

Notice of Allowability

Application No.

10/740,206

Examiner

Hector M. Reyes

Applicant(s)

VITRANT ET AL.

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 4/11/05.
2. ☒ The allowed claim(s) is/are 1-19 and 21-22, renumbered as 1-21.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 4/11/05.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

Paper Acknowledgment

Examiner acknowledges Applicant's Amendment filed on April 8, 2005.

Status of The Claims

Claims 1, 5, 9, 13, 14, 15, 16, 17 and 18 have been amended. Claim 20 has been canceled. Currently claims 1-19 and 21-22 are under Examination. The Examiner has re-numbered the said claims as claims 1-21.

Allowance

The following is an examiner's statement of reasons for allowance: Applicants claim:

- In claims 1-19, a process for preparing omega-benzyl esters of amino dicarboxylic acids as described in the said claims and comprising reacting a benzyl alcohol derivative with the amino-dicarboxylic acid in the presence of at least one mol per mole of the of the amino dicarboxylic acid of an alkane sulfonic acid catalyst and optionally in the presence of a solvent and subsequently and optionally reacting the obtained salt with a base in order to obtain the free form of the omega benzyl ester amino dicarboxylic acid.
- In claims 20-21 a series of alkane sulfonate salts as described in the said claims.

The process outlined in the instant claims 1-19 or the compounds claimed in claim 20-21 were not found disclose in the prior art. The closest art was found in:

- Rapoport et al, J. Org. Chem., 55, pp3068-3074 and
- Clayton et al, Peptides, Journal Chemical Society, 1956, pp371-380.

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Rapoport discloses the synthesis of Vincamine from aspartic acid. As part of the synthesis, the preparation of the corresponding monoester of aspartate 14 is disclosed via the specific hydrolysis of the corresponding diester using copper (II).

On the other hand, Clayton discloses the preparation of benzyl hydrogen l-glutamic acid ester via the reaction of benzyl alcohol and glutamic acid using p-toluene sulfonic acid.

Clayton however does not disclose the use of an **alkane sulfonic acid** as required in the instant invention. Clayton yield of 43 % does not suggests that using alkane sulfonic acid in place of p-toluene sulfonic acid or the particular molar ratio required in the instant process. Moreover the instant process describes better yield and much higher product purity than Clayton, as described in the instant specification, see for instant Examples 1-4.

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

All post-Allowance Correspondence concerning this Application must be mailed to:

**BOX ISSUE FEE
COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231**

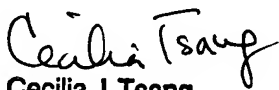
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Or you can fax them to the Office of Patent Publications at 703-308-5083, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312; information disclosure statements, and formal drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027.

Héctor M. Reyes, PhD JD
AU 1625
April 11, 2005

Ms. Cecilia Tsang
Patent Examiner Supervisor


Cecilia J. Tsang
Supervisory Patent Examiner
Technology Center 1600